

*IRCC*  
Kahlow, Barbara

000138

From: Dongro@aol.com  
Sent: Monday, April 15, 2002 9:09 PM  
To: Kahlow, Barbara  
Subject: Fwd: Smith Issues - Programs

Smith Issues -  
Programs

Barbara,

Included is the information from the Independent Roofing Contractors of California. As you will notice they received an approval to expand their program in 1998 under the Wilson administration. This decision was reversed at the July 25th 2002 California Apprenticeship Council hearing in San Diego with an all union Davis board. The reasoning was that these programs, because they were in a new geographic region, were new programs, not an expansion of the existing program. As such the expanded programs were deemed "illegal" and shut down. They did this with the PHCC and ACTA programs.

I will fax some additional information regard DAS 24's that have gone unresponded to and the documents detailing the decision to close down the ACTA programs.

Please call me if you have any questions.

Thanks for your help.

Sean Doherty

*8/27/98 IRCC approval  
12/98 expansion approved  
7/25/01 retraction disapproval*

Kahlow, Barbara

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**From:** John Upshaw

**Sent:** Monday, April 15, 2002 7:41 PM

**To:** Dongro@aol.com

**Subject:** Smith Issues - Programs

Sean - I was unsure from your note what exactly you wanted - But I have attached a couple of items in pdf format which may help if you are talking to DOL - They have got virtually everything already though - whether they know what they have or not is another question.

Item one is the decision on July 25 by the DAS/CAC to pull expansion previously approved prior to Davis admin.

Item two is a letter of protest to Jay LaSuer about the process and gives the IRCC prospective on the disapproval --

Item three is another letter about Riverside and San Bernadino - where the IRCC tried to expand after being asked by some contractors down there. The interesting thing about that letter is that Henry Nunn never responded to it - It's indicative of their looking the other way on any approvals to non-union...  
The fact that there was no corresponding union program in those areas when we submitted for expansion is also an enigma.

Have at it. and good luck -- by the way - what's up?

Rec  
**MeritShop**  
ROUNDTABLE

MeritShop • 3508 24th Street, Sacramento, CA 95818 • (916) 737-1403 tel • (916) 737-1405 ;

To: Barbara Kellen

Date: 5/2/02

Company: Congressman Ose

Number of Pages 10

Fax Number: 202-225-2441

(including this sheet)

Phone Number: \_\_\_\_\_

From: Sean Doherty

If any error occurs during the transmission of this fax,

Please Contact us.

Notes:

PD 7 2103 you  
Requested. We  
I should have sent  
other info by  
Friday.



## INDEPENDENT ROOFING CONTRACTORS

OF CALIFORNIA, INC. - UNILATERAL APPRENTICESHIP TRAINING COMMITTEE  
3478 BUSKIRK - SUITE 245 - PLEASANT HILL, CA 94523 -- PH: 925-939-3715 FX: 925-930-7704

July 28, 2001

The Honorable Jay LaSuer  
Seventy-Seventh Assembly District  
District Office  
5380 Jackson Drive, Suite 120  
La Mesa, CA 92942

RE: Action By The California Apprenticeship Council in Reversing 1998 Geographic Expansion of IRCC Apprenticeship Program To Nine California Counties

Dear Assemblyman LaSuer:

You are a recognized friend of the California apprenticeship community and as such I am urgently requesting your assistance in investigating the California State Apprenticeship Council's recent move to eliminate this committee's apprenticeship training efforts in nine California counties which were lawfully added to our existing standards in 1998.

In 1998 the IRCC Training Committee submitted two DAS 24 forms for the inclusion of the California Counties of El Dorado, Fresno, Los Angeles, Orange, Kern, Placer, Stanislaus, Tuolumne and Yolo Counties. These additions to our geographic training area were submitted in response to the petitions of interested roofing contractors in these areas who had contacted the IRCC as a recognized provider of craft training for roofing mechanics. We submitted our revisions in good-faith and with the full assistance and support of the Division of Apprenticeship Standards. At the time, we were assured that submission of a DAS 24 Form (with revised affirmative action goals for the recruitment of women and minorities within the new areas) was all that was required to affect these changes, and that a mere expansion of training area did not constitute a "new program."

Nevertheless, the CAC's recent action (July 26, 2001) was taken under pressure from both the 10 Bay Area Counties and Southern California Roofers and Waterproofers' JATC's, who had filed an appeal alleging that the IRCC's expansion into these areas was somehow unlawful. Integrating their complaint (appeal) with unsupported allegations against the IRCC program in an attempt to discredit it, the plaintiff's (JATCs) only 'legal' argument for deregistration of the IRCC's expanded program was that it should have provided notice of the change to union operated

The Honorable Jay LaSuer  
RE: CAC Action Against Merit Shop Apprenticeship  
7/29/01  
Page 2

programs situated in the new areas, because as an alleged "new program" it was subject to review. However, as emphasized in acting DAS chief Rita Tsuda in her April 2, 1999 letter to the plaintiff's council:

*"Under the current regulations, however, the process to which you refer, involving comment by existing programs, is intended for use in the Approval of new programs, and is not required when programs are amended. Indeed, the standards that were the subject of the §212.2 process provide a method for amending the standards, and those standards containing that method were approved by the CAC. Under the standards approved by the CAC, amendments can be made by the program, subject to approval of the Chief DAS. The standards do not require CAC approval, nor do they imply that §212.2 must be followed when an amendment is proposed.*

*In the past, the Division has not applied the §212.2 process to the amendments to standards. As you know, the CAC's rules and regulations committee had been considering modifications to process for amending standards, however the present regulations provide only that the standards shall provide for "revising standards as needed."*

As you can see, the IRCC program was expanded in a manner accepted by the authorizing state agency. Our goal was always to provide a service to our contractors and apprenticeship opportunities and skill training for their respective employees.

The CAC's action in reversing these lawfully executed changes to the IRCC's standards are a transparent political maneuver aimed at stemming the proliferation of non-union, merit shop training programs. It is the action of a renegade governor appointed council, driven by the political payola of union campaign dollars, whose goal it is to systematically monopolize state apprenticeship under a "union-only" banner.

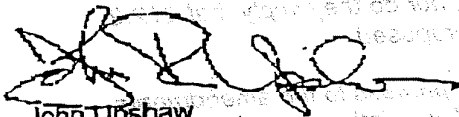
As a result of these actions, the IRCC will be forced to file expensive legal actions against the state and the CAC for undermining its right to train apprentices and to operate its program as provided under the law. On the one hand, we will be forced to sue the DAS for indemnification of the IRCC for its legal costs for defending its action in approving our expansion, and on the other, we must then sue the CAC for its capricious and politically malicious reversal of the DAS's action.

The Honorable Jay LaSuer  
RE: CAC Action Against Merit Sop Apprenticeship  
7/29/01  
Page 3

As you can see, this is an absurd abuse of an independent training entity by the state DAS and its politically driven council. We respectfully encourage you to exert any means available to you to expose this abuse and save California taxpayers the constant and costly drag of legal battles which undermine the validity and functionality of its state institutions.

Sincerely,

**INDEPENDENT ROOFING CONTRACTORS  
OF CALIFORNIA, INC. - UAC**

  
John Upshaw  
Chairman/Program Coordinator

c.c. Cleo Thompson, District Legislative Director  
IRCC Trustees  
IRCC Board of Directors  
Mark Thierman

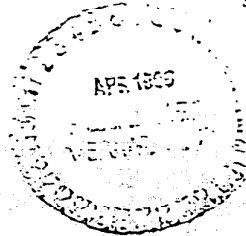
DEPARTMENT OF INDUSTRIAL  
DIVISION OF APPRENTICESHIP  
35 Fremont Street, Suite 1050  
San Francisco, CA 94105  
(415) 975-2035



ADDRESS REPLY TO:  
P.O. Box 420603  
San Francisco, CA 94147

April 2, 1999

Sandra Rae Benson, Esq.  
Van Bourg, Weinberg, Roger & Rosenfeld  
180 Grand Avenue, Suite 1400  
Oakland, California 94612



Re: Amendment to IRCC Standards.

Dear Ms. Benson:

I am writing in reply to your letter concerning the revision of the IRCC standards. Your letter suggests that the amendment to the standards that changed the labor market area for the program should have been treated, not as an amendment, but as the submission of a new program.

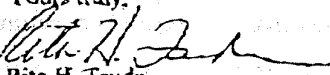
Under the current regulations, however, the process to which you refer, involving comment by existing programs, is intended for use in the approval of new programs, and is not required when programs are amended. Indeed, the standards that were the subject of the §212.2 process provide a method for amending the standards, and those standards containing that method were approved by the CAC. Under the standards approved by the CAC, amendments can be made by the program, subject to approval of the Chief DAS. The standards do not require CAC approval, nor do they imply that §212.2 must be followed when an amendment is proposed.

In the past, the Division has not applied the §212.2 process to the amendments to standards. As you know, the CAC's rules and regulations committee had been considering modifications to the process for amending standards, however the present regulations provide only that the standards shall provide for "revising the standards as needed." § 212(c)(11).

As to your question concerning related and supplemental instruction, as you may know Labor Code section 3074 provides that the administration and supervision of related and supplemental instruction for apprentices is the responsibility of the education agency and the program sponsor.

I hope this has been helpful to you and I will advise the new Chief DAS of your demand at the appropriate time.

Yours truly,

  
Rita H. Tsuda  
Deputy Chief

cc: S. Smith  
F. Lonsdale

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BEFORE THE  
CALIFORNIA APPRENTICESHIP COUNCIL

TEN BAY AREA COUNTIES REGIONAL  
ROOFING JOINT APPRENTICESHIP AND  
TRAINING COMMITTEE, SOUTHERN  
CALIFORNIA ROOFERS AND  
WATERPROOFERS JOINT APPRENTICESHIP  
AND TRAINING COMMITTEE,  
Charging parties and appellants,

Case No. 99-07

DECISION

v.  
INDEPENDENT ROOFING CONTRACTORS OF  
CALIFORNIA UNILATERAL APPRENTICESHIP  
COMMITTEE,

Respondent.

FACTS AND PROCEDURAL HISTORY

Prior to August 27, 1998, the Independent Roofing Contractors of California Unilateral Apprenticeship Committee ("IRCC"), was authorized by its standards to recruit apprentices in the Counties of Alameda, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma.

In August and December, 1998, the Division of Apprenticeship Standards ("DAS") approved revisions to IRCC's standards which allowed IRCC to expand its recruitment to El Dorado, Fresno, Kern, Placer, Stanislaus, Tuolumne and Yolo Counties. DAS did not give formal notification of the revisions to existing parties in the geographic area, including the Ten Bay Area Counties Regional Roofing Joint Apprenticeship and Training Committee, Southern California Roofers and Waterproofers Joint Apprenticeship and Training Committee ("Appellants").

1.

DECISION



1 On February 19, 1999, an attorney for appellants wrote DAS a letter complaining of "... a  
2 revision to the IRCC standards permitting the IRCC program to function state-wide...".

3 On May 21, 1999, DAS sent appellants a copy of the approval of the revisions. DAS did  
4 not serve a formal notice of the approvals on appellants.

5 On July 16, 1999, appellants filed with DAS a complaint against IRCC's recruitment of  
6 apprentices outside its original area and an appeal from the DAS approvals.

7 On July 29, 1999, IRCC filed with DAS a motion to dismiss the complaint and appeal as  
8 untimely because they were not filed within 30 days of the approvals.

9 On July 25, 2000, the Director issued a decision which determined that the complaint was  
10 filed on July 19, 1999, more than 30 days after the approvals. Without holding a hearing, the  
11 Director determined that the complaint was untimely under Regulation 201(a). The Director  
12 declined to rule on whether the appeal was timely under Regulation 212.2(j), which requires an  
13 appeal from the approval of a program to be filed within "thirty days following service of the  
14 [DAS] decision." The Director also declined to rule on whether DAS was authorized to approve  
15 the revisions.

16 The Director did not make a finding about whether IRCC had recruited apprentices  
17 outside its original operating area. The Council assumes that IRCC has done so.

18 Additional facts are stated in the Director's decision. The Council upholds each of the  
19 Director's factual findings except as otherwise stated in this decision.

20 Appellants have appealed from the Director's decision. The appeal was assigned to a  
21 panel consisting of Max Turchen, Carole Cresci Colbert and Brad Plueger. The Council received  
22 extensive briefing from the parties and from DAS.

## 23 DECISION

24  
25  
26 1. An evidentiary hearing on this appeal is not necessary because the Director's decision  
27 contains a recital of the relevant facts as established by documents in the administrative record  
28

2.

DECISION

1 whose authenticity cannot be reasonably be disputed, because the parties submitted extensive  
2 briefs and because the issues to be decided are primarily legal.

3 2. The record establishes that the 1998 revisions to the IRCC standards constituted a  
4 "new" program because the revisions changed the geographic area of the program.

5 3. Because the 1998 revisions constituted a new program, approval of the revisions was  
6 subject to Regulation 212.2. Regulation 212.2(f) requires DAS to give notice of an application  
7 for a new program to existing programs in the labor market area of the program. Appellants  
8 therefore were entitled to notice of the proposed revisions under Regulation 212.2(f). DAS did  
9 not give appellants such notice. Regulation 212.2 (j) requires an appeal from a DAS approval  
10 to be filed "within thirty days following service of the decision". DAS did not serve appellants  
11 with the decision approving the revisions until May 21, 1999. Under these circumstances,  
12 appellants' letter of February 19, 1999 should be considered as an appeal which was timely under  
13 Regulation 212.2(j).

14 Regulation 212.2 sets forth the procedure for the approval of a new program. DAS did  
15 not follow the this procedure in its 1998 approvals of the IRCC revisions. The approvals  
16 therefore are overturned because they are invalid. IRCC accordingly is authorized to operate its  
17 program only under its original standards as approved by the Council.

18 3. With respect to any apprentices whom IRCC recruited outside its original geographic  
19 area pursuant to the 1998 DAS approvals, the Council believes that it would be inequitable to  
20 transfer those apprentices to other programs, provided that those apprentices are being trained,  
21 educated and employed in accordance with law. The Council requests DAS to conduct an  
22 investigation of the training, educating and employment of those apprentices. The Council will  
23 retain jurisdiction over the question of what to do about those apprentices pending the results of  
24 DAS' investigation. If the investigation demonstrates that those apprentices are not being  
25 lawfully trained, educated or employed, the Council will issue further orders as necessary.

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3.

DECISION

THIERMAN LAW FIRM  
LABOR RELATIONS AND EMPLOYMENT LAW  
120 GREEN STREET  
SAN FRANCISCO, CA 94111

CHRON COPY

MARK R. THIERMAN  
ROBERT FRIED  
CARRIE L. FREESTONE  
ALICE K. CONWAY  
LARA L. HYERS

TELEPHONE (415) 391-9200  
FACSIMILE (415) 723-7078

April 12, 2001

emlth: thierman1@sf.earthlink.net  
www.thierman.com

Mr. Henry Nunn, Chief DAS  
Division of Apprenticeship Standards  
Department of Industrial Relation for the State of California  
455 Golden Gate Avenue, 8th Floor  
San Francisco, CA 94108

Re: *Civil Action to Stop DAS Obstruction of Apprenticeship Opportunities For  
Roofing Workers In San Bernardino & Riverside Counties*

Dear Mr. Nunn:

The purpose of this letter is to give you timely notice of the IRCC Apprenticeship Training Trust Fund's intent to file a civil action to force you to perform the ministerial act of approving or denying a DAS 24 (Revision of Standards) submitted by the IRCC early in May of 2000 extending its program to San Bernardino and Riverside Counties. The DAS has represented to the Superior Court for the State of California in the case of the Air Conditioning Trades Association Unilateral Apprenticeship Program that program amendments to include new areas are not subject to the DAS' new programs rules; consequently, there is no need for consultation with existing programs or demonstration of training need for this proposed expansion. In addition, we are aware that there is no functioning union program in this area thus making a prima facie showing of need and consultation inappropriate. Therefore, I can see no standards by which this DAS 24 revision can be denied.

While the DAS has taken the position in administrative proceedings that although a program may train and recruit contractors outside the area contained in its CAL-Plan Standard Metropolitan Statistical Area, the DAS seems to have an underground regulation that a program may not recruit directly apprentices outside the area. While the DAS practice is to "grandfather in" existing employees of a new employer, there is a conflict over the extent of this underground exception to the published selection procedures as applied to subsequently hired employees. Also, DAS personnel seem conflicted as to whether an out of jurisdiction employer member may refer its employees for selection by the apprenticeship program as opposed to active recruitment of employees directly by the apprenticeship program.

In 1999, five roofing contractors in the San Bernardino and Riverside County areas requested to join the Independent Roofing Contractors of California state approved apprenticeship training program. Three of the five companies who submitted this request already operated individual plant standard programs in these two counties but recognized that a concerted effort of contractors in the area would improve the scope of the training, assure continuity of employment, eliminate redundant program administrative costs, provide greater

minority recruitment resources, and generally provide greater flexibility and career path potential for apprentices. Because there were, and currently are no existing union sponsored programs in these two counties, IRCC anticipated little political or administrative resistance to what seemed to be a natural enhancement of training opportunities in those areas. In addition, the San Bernardino and Riverside County contractors, in affiliation with the IRCC, had developed a willing and enthusiastic partnership with the Riverside Community College, which was and has been very positive and excited about implementing the program's curricula, and assisting us in promoting this valuable job training venue to the area's young people.

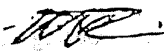
In order to avoid possible confrontation with DAS over its unconstitutionally vague and constantly changing standards for out of area programs, the IRCC submitted a DAS 24 (Revision of Standards) in early in May of 2000. It is now almost one year later and the State has failed to act on these standards, while giving no indication to the IRCC or to the contractors in this area that there is any problem. IRCC had originally intended to commence classes in September of 2000, but these classes were thwarted because the DAS, after certifying receipt of these standard changes in June of 2000, alleged that the submission had become lost. In September, Mr. Upshaw called Mr. Nunn (Chief, DAS) - who said that he was unaware of the standards which had been submitted. Several weeks later, Mr. Nunn confirmed that the standards had been found, and that they had been placed on the "fast track." Mr. Upshaw made repeated calls to Mr. Nunn in order to follow-up, but was not answered. Now, within the last week, Mr. Upshaw reports to me that he spoke with Mr. Nunn on Monday, March 19, 2001, and that Mr. Nunn said he had still not seen the standards, and that there were many standards that had not been acted upon.

Prior to the order of the California Supreme Court requiring the CAC and DAS to accept non-union programs for registration on an equal basis with union programs, the DAS would stall any non-union application in obvious attempts to frustrate the program into withdrawing or in hopes that new regulations would require yet another revision of the standards before it could be approved, with the clear objective of delaying approval forever, essentially denying approval. This type of passive aggressive behavior of a public agency is an unconstitutional denial of due process. Therefore, unless you perform the ministerial act of either approving the DAS 24 submitted by IRCC or rejecting it with proposed changes so that it would be approved (and stating the standards by which you have arrived at such a decision so that a writ may be filed to correct any errors in judgment) by June 1, 2001, a civil action will be filed.

Thank you for your attention to this matter. I can be reached at (415) 391-9200 should you wish to discuss this matter.

Very truly yours,

THIERMAN LAW FIRM

  
Mark R. Thierman

State of California — Department of Industrial Relations  
DIVISION OF APPRENTICESHIP STANDARDS

REVISION OF APPROVED STANDARDS

DAS File No: 19704	
District No: 06	
	JAC Standards
X	Unilateral
	VA

1. Name of Committee Independent Roofing Contractors Of California, Inc. - Unilateral Training Committee			
2. Area Covered By Standards Alameda, Contra Costa, El Dorado, Fresno, Kern, Lake, Los Angeles, Marin, Mendocino, Monterey, Napa, Orange, Placer, Riverside, Sacramento, San Bernadino, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Tuolumne, Yolo			
3. Committee Address - Street Address, City & Zip Code P.O. Box 27935 - Concord, CA 94527		Telephone No. 925-939-3715	
4. Occupation(s) ROOFER		DOT Number(s) 866.381.01	
5. ACTION	Revision of Journeyman Wages	X	Revision of Area Add San Bernadino/Riverside
	Revision of Apprentice or Trainee Rates		Revision of Ratio
	Revision of Work Processes		Effective Date of This Action: 5-1-2000
	Other Revision or Addition: Merger of DAS File #s #10698 & 10712 & 10646 into current DAS File #19704 (See ltrs)		
6. Related Instruction No CHANGE		7. School Addition of LEA: Riverside Community College	
8. Present Journeyman Wage N/C		9. Effective Date of Journeyman Wage	
10. Apprentice or Trainee Wage Scale (Indicate amount of time (hours, weeks or months) and percent of journeyman wage or dollar amount)			
1st Per.	5th Per.	9th Per.	
2nd Per.	6th Per.	(See Attachment - A)	10th Per.
3rd Per.	7th Per.		11th Per.
4th Per.	8th Per.		12th Per.
11. Overtime Provisions No Change			
12. Straight Time Hours Per Day: No Change Per Week:		14. Work Processes Approx. Hours NO CHANGES	
13. Other Compensation			
A. Health & Welfare	\$		\$
B. Pension	\$		\$
C. Vacation	\$		\$
D. Apprentice Funds	\$		\$
E. Other (Specify)	\$		\$
Total	\$		\$
15. Remarks			

- a) Area Of Coverage Change: Merger of DAS File #s #10698 & 10712 & 10646 into current DAS File #19704 (See ltrs)  
b) Add LEA: Riverside Community College - 4800 Magnolia Ave., Riverside, CA 92506

CERTIFIED AS CORRECT:

Signature: Apprenticeship Consultant <i>Ernest Behn</i>	Date 6-28-00	Signature of Committee Sec. Or Chair (Cross out one) <i>[Signature]</i>	Date 5-1-2000
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These Revisions are hereby made part of and supercede provisions of standards previously approved.

Approved — Chief Division of Apprenticeship Standards	Date approved
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INDEPENDENT ROOFING CONTRACTORS OF CALIFORNIA, INC.

May 11, 2000

Mr. Ernie Behm  
Division Of Apprenticeship  
1515 Clay Street, Room 602  
Oakland, CA 94612

RE: **Merger of Individual Plant Standards With IRCC UAC Standards (DAS File #19704) for  
Approved Contractors in San Bernardino and Riverside Counties—w/DAS Revision**

Dear Ernie:

You will find attached a DAS Revision to include Riverside and San Bernardino Counties to the IRCC UAC's recruitment area. Three existing contractors in these two counties are currently approved by the state to operate plant standards, and they have petitioned the IRCC to manage their training programs under the existing IRCC standards. Your counterpart in Southern California, who oversees these three singular contractor programs is Richard Robles. He has been contacted by Jim Leatherwood—the Director of Applied Technology at Riverside Community College—that the Riverside City College will serve as the LEA for contractors whose apprentices will train under the IRCC standards in Riverside and San Bernardino.

Attached you will find:

1. DAS 24 Revision
2. Revised Addendum - modifying area and recruitment goals for minorities & women
3. Letter from Jim Leatherwood Director, Applied Technology—Riverside Community College
4. Letters requesting merger of plant standards/Huffman Roofing/Bell Roofing/JJ Roofing
5. Revised Apprenticeship Committee Assignments

Please advise this committee on the steps necessary for the apprentices, currently indentured under these other standards, to transfer their agreements to this committee.

Thank you again for your anticipated assistance in facilitating this revision.

Sincerely,

John Upshaw  
IRCC UAC Chairman

CC Debbie Huffman, Don Luginbill, Scott Lyon, Jim Leatherwood, Richard Robles

**IRCC—APPRENTICESHIP COMMITTEE MEMBERS**  
**Revised 5/1/2000**

**HEAD COMMITTEE/BAY AREA SUBCOMMITTEE**

**NAME & COMPANY**

**PHONE**

John Upshaw — Chairman  
Independent Roofing Contractors  
Of California, Inc.  
P.O. Box 27935  
Concord, CA 94527

925-930-7704

Jack White  
State Roofing Systems, Inc.  
15444 Hesperian Blvd.  
San Leandro CA 94578

510-317-1477

Steve Amend  
Roofing Services, Inc.  
4155 Santa Rosa Avenue  
Santa Rosa CA 95407

707-584-9750

Ralph Wedge  
Wedge Roofing  
5 Casa Grande  
Petaluma CA 94954

707-763-5475

Brian Seifert (Secretary)  
Security Roofing Systems  
677 Kings Row  
San Jose CA 95112

408-971-1777

**Monterey Bay Area Sub Committee**

**PHONE**

Peter Scudder  
Scudder Roofing Company  
P.O. Box 2596  
Monterey CA 93942

831-384-1500

Dick Ross  
Ross Roofing Company  
1795 California Street

831-394-8581

**Central Valley Sub-Committee**

Peter Madsen  
Madsen Roof Company  
P.O. Box 277730  
Sacramento CA 95827

(916) 361-3327

Joanne Baker  
Baker Roofing  
1100 E. Charter Way  
Stockton CA 95205

916-361-3327

Tim Tanner  
Western Single-Ply  
3129 Swetzer Rd.  
Loomis, CA 95650

916-652-3891

**PAGE 2 - Revised IRCC UAC Committees**

**Southern California Committee  
(Los Angeles/Orange/San Bernadino & Riverside Counties)**

Debbie J. Huffman  
Huffman Roof Company  
4225 Garner Rd.  
Riverside, CA 92501

Andy Cabral  
Cabral Roofing & Waterproofing Corp.  
6508 Clara Street  
Bell Gardens, CA 90201

Cheryl Daniels  
Davey Roofing, Inc.  
17182 Armstrong Ave.  
Irvine, CA 92714

Scott Lyons  
Bell Roofing Company  
636 South "I" Street  
San Bernadino, CA 92412

**PHONE**

909-786-4111

562-806-8939

714-852-9955

909-885-6863



# RIVERSIDE COMMUNITY COLLEGE

Moreno Valley Campus • Norco Campus • Riverside City Campus

**DATE:** April 10, 2000  
**TO:** Whom It May Concern  
**FROM:** Jim Leatherwood  
Director, Applied Technology  
Riverside Community College  
Dr. Bill O'Rafferty  
Dean, Occupational Education  
Riverside Community College

**SUBJECT:** LEA for Roofing Apprenticeship for the Independent Roofing Contractors  
California, Inc.

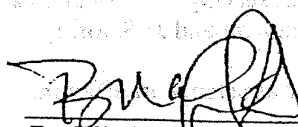
Riverside Community College will act as the Local Education Agency (LEA) for the rendition of the Related and Supplemental Instruction required to meet apprenticeship standards as required by Section 3084 of the Labor Code of the State of California.

The curriculum to be used in providing the instruction is the same as that used in other approved roofing apprenticeship programs found in DAS file #19704.

For additional information please call (909) 222-8491.

Signed:

  
Jim Leatherwood  
Director, Applied Technology

  
Dr. Bill O'Rafferty  
Dean, Occupational Education

C: John Upshaw, IRCC  
Richard Robles, DAS



Moreno Valley Campus • 16130 Lasselle Street, Moreno Valley, California 92551-2045 • (909) 485-6100 • FAX (909) 485-6188  
Norco Campus • 2001 Third Street, Norco, California 91760-2600 • (909) 372-7000 • FAX (909) 372-7050  
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Ring "BELL" for a "BETTER" Roof

## BELL ROOF COMPANY...

SERVING THE INLAND EMPIRE SINCE 1928

Manufacturers — Approved Applicator

P.O. Box 5218  
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San Bernardino, California 92412  
Phone (909) 885-6863  
Fax (909) 885-7431

April 14, 2000

Independent Roofing Contractors of CA, Inc.  
Unilateral Apprenticeship Committee  
P.O. Box 27935  
Concord, CA 94527

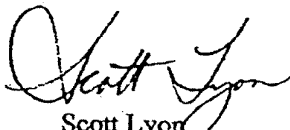
Dear UAC:

Bell Roof Company requests that the Independent Roofing Contractors of California, Inc. Apprenticeship Committee accept a merger of this company's existing single-plant standards for roofing apprentices (DAS File # 10698) to improve and consolidate our present training efforts. We have discussed the advantages of this consolidation with the two other DAS approved roofing contractors in this area, also operating under single plant standards (Huffman Roof Co. & JJ Roofing), and they have agreed that a multi-employer operated and coordinated program will provide greater flexibility, enhanced training resources and increased benefit to apprentices.

We understand that you have received a favorable invitation from the Riverside College Occupational Education Department, to serve as your local educational liaison LEA, which makes a merger even more logical. In addition, the companies of Byars Roofing and Christianson Roofing of Riverside and San Bernardino, who have recently joined your association have indicated they are in the process of indenturing apprentices into your program and are interested in serving on a local area sub-committee of the IRCC UAC, along with Huffman Roof Company and JJ Roofing.

We appreciate your assistance in effecting this merger and look forward to a beneficial relationship.

Sincerely,

  
Scott Lyon  
President

# HUFFMAN ROOF COMPANY

April 28, 2000

UAC

Independent Roofing Contractors of California, Inc.  
Unilateral Apprenticeship Committee  
P O Box 27935  
Concord, CA 94527

Re: Request for Merger of Plant Standards with IRCC Apprenticeship Standards

Dear UAC:

Roy O. Huffman Roof Company hereby requests that the Independent Roofing Contractors of California, Inc. Apprenticeship Committee accept a merger of this company's existing single-plant standards for roofing apprentices (DAS File # 10646) in order to improve and consolidate our present training efforts. As you are aware, we have discussed the advantages of this consolidation with the two other DAS approved roofing contractors in this area also operating under single plant standards (Bell Roof Company and JJ Roofing). They have agreed that a multi-employer operated and coordinated program will provide greater flexibility, enhanced training resources and, most importantly, increased benefit to apprentices.

We understand that you have received a favorable invitation from the Riverside Community College Department of Applied Technology to serve as your local educational liaison (LEA) which will be used as an extension training facility for training apprentices from within San Bernardino and Riverside Counties. As discussed, we also utilize Riverside Community College as our current LEA, which makes a merger even more logical. In addition, the companies of Byars Roofing, Ontario, and Christianson Roofing, Riverside, who have just recently joined your association have indicated that they too are currently in the process of indenturing apprentices into your program. They are interested in serving on a local area sub-committee of the IRCC UAC along with my company, Bell Roof Company and JJ Roofing.

Thank you for your assistance in effecting this merger. We look forward to a beneficial relationship and enhancement of our overall training efforts.

Respectfully,  
ROY O. HUFFMAN ROOF COMPANY

Debbi Huffman  
President



April 27, 2000

Independent Roofing Contractors of California, Inc.  
Unilateral Apprenticeship Committee  
3478 Buskirk, Suite 245  
Pleasant Hill, CA 94523

Dear Unilateral Apprenticeship Committee,

In order to improve our present training of apprentices, JJ Roofing is requesting a merger of our single-plant standards for roofing apprentices. We are currently approved by the DAS (#10712) and are training in conjunction with Riverside College Occupational Education Department along with two other approved roofing contractors in the area, Bell Roofing and Huffman Roofing.

It is our understanding that you have received an invitation from Riverside College Occupational Education Department to serve as our local educational-bridge between the participants in the Riverside and San Bernardino County areas with contractors in the program from Los Angeles and Orange Counties. Because the importance of the educational training and practical application being as flexible and workable for all concerned we strongly support the merger for the expansion of classes in our area, on our behalf and those single-plant operations in Riverside/San Bernardino Counties who have indicated an interest, or are currently in the process, of indenturing apprentices into your program and would like to join a local sub-committee of the Independent Roofing Contractors of California, Unilateral Apprenticeship Committee.

Please consider our request and we are looking forward to a good working relationship that will be beneficial for all concerned.

Sincerely,

JJ ROOFING

Don Luginbill  
President

CERTIFIED MAIL #Z 464 290 698

DON LUGINBILL ROOFING, INC.  
dba J.J. ROOFING

2466 MAIN STREET • RIVERSIDE, CALIFORNIA 92501-2201 • (909) 784-ROOF • FAX: (909) 784-7677  
(909) 784-7663

**ADDENDUM TO APPRENTICESHIP STANDARDS  
OF THE INDEPENDENT ROOFING CONTRACTORS OF CALIFORNIA, INC.  
UNILATERAL APPRENTICESHIP COMMITTEE**

Occupation: **ROOFER**

The area covered by these Standards is the counties of Alameda, Contra Costa, El Dorado, Fresno, Kern, Los Angeles, Marin, Mendocino, Monterey, Napa, Orange, Placer, Riverside, Sacramento, San Bernadino, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Tuolumne and Yolo. *p. 122*

The above-named Program Sponsor, in accordance with the California Plan for Equal Opportunity in Apprenticeship, declares the following to be its selection procedures.

I. **Pledge:** The program sponsor affirms that the recruitment, selection, employment, and training of apprentices during their apprenticeship shall be *without discrimination* because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship for both minorities and women, and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30, and the equal employment opportunity regulation of the State of California.

II. **Dissemination of Information:** The sponsor will, on a semi-annual basis, inform various parties concerning the requirements for admission into the apprenticeship program; the availability of apprenticeship opportunities; the location and time application is available; and the program's equal opportunity policy will be disseminated to the following:


- a. U.S. Department of Labor  
Bureau of Apprenticeship and Training  
1301 Clay Street, Room 1090N  
Oakland, CA 94612

Bureau of Apprenticeship and Training  
3350 Shelby Street, Suite 34  
Ontario, CA 91764

- b. California Employment Development Department  
201 E. 18th St., Antioch, CA 94509-2431  
1375 University Ave., Berkeley, CA 94702-0701  
2450 S. Bascom Ave., Campbell, CA 95011-5003  
1849 Willow Pass Rd., Concord, CA 94524  
3060 Travis Blvd., Fairfield, CA 94533-3498  
39155 Liberty St.(P.O. Box 5103) Fremont, CA 94537-5103  
190 Leavesy Road, Gilroy, CA 95020-3636  
24709 Amador St., Hayward, CA 94544-1885

MEMORANDUM

TO: Barbara Kahlow

FR: Sean Doherty 

RE: California Apprenticeship Issue

DATE: 4/15/02

# OF PAGES: 42

Barbara,

First, I apologize about the amount of paper. The ACTA document was not available electronically. Included in this fax please find:

- 1) The ruling by the California Apprenticeship Council (CAC) ordering the shut down of several Air Conditioning Trade Association (ACTA) apprenticeship programs. As with IRCC and PHCC ACTA sought and received approval for expanding their programs. This approval, under the Wilson administration was granted. The CAC, upon the recommendation of Steve Smith, reversed this approval thereby retroactively closing several schools.
- 2) Notice of Violation by DAS ordering ACTA to turn over all monies derived from their program.
- 3) Memorandum from George Moton to Henry Nunn requesting status of several DAS 24's which had not yet been approved or denied. To date that remains the case with all requests.

Please let me know if there is anything else that you need. Again, thank you for your help. I owe you drinks when I am in DC next.

2. ACTA UAP did not maintain adequate records of on-the-job work hours and hours of related and supplemental instruction and did not maintain apprenticeship agreements. (Compl. #97-S-11, Fourth and Seventh Claim.)

3. ACTA UAP did not pay or did not pay sufficient contributions to an employer benefit plan or plans as required by its Approved Standards. (Compl. #97-S-11, Fifth Claim.)

4. ACTA UAP did not pay or require employers to pay apprentices the appropriate rate of compensation. (Compl. #97-S-11, Sixth Claim.)

5. The Charging Party was not served with ACTA UAP's proposed revisions to its Approved Standards as required by DAS regulations. (Compl. #99-13, First Claim.)

## PROCEDURAL BACKGROUND

On December 20, 2000, the Charging Party was informed by letter that a Hearing Officer was appointed to conduct the hearing as to both complaints. By letter of December 22, 2000, all parties were so notified.

One telephonic pre-hearing conference was conducted on January 19, 2001, with all parties, through their respective counsel, participating. During the pre-hearing conference the parties agreed to exchange documents they intended to rely upon in support of their positions. The parties were informed that the exchanged documents would be made part of the record. Each party exchanged documentary evidence in accord with their agreement prior to the hearing being scheduled.

1 Each party was also given the opportunity to provide the  
2 Hearing Officer and each other party with a position letter  
3 outlining their respective factual and legal positions with  
4 respect to any issue raised in the complaints, including those  
5 determined to be without merit or untimely by DAS. Only the  
6 Charging Party provided its position statement dated February  
7 21, 2001.

8  
9 The parties were notified by letter of March 9, 2001, that  
10 the hearing was scheduled for April 10 and 11, 2001. The  
11 hearing was held before the Hearing Officer on April 10, 2001  
12 and April 11, 2001, and was transcribed by a certified court  
13 reporter.

14 Each party was given an opportunity to and did submit  
15 documentary evidence prior to the hearing. In addition, during  
16 the hearing each party had the opportunity to present  
17 witnesses, to cross-examine witnesses and to present additional  
18 documentary evidence. Post-hearing argument, by agreement of  
19 the parties, was submitted in written form. Each party had the  
20 opportunity to and did submit written briefs and reply briefs.  
21 The last post-hearing reply brief was served on June 4, 2001  
22 and received by the Hearing Officer on June 7, 2001. By  
23 agreement of the parties, the matter was submitted for decision  
24 upon receipt of the last reply brief on June 7, 2001.

25  
26 The documentary evidence submitted by the parties prior to  
27 and at the time of the hearing as well as the written briefs  
28 (with an exception discussed below), together with the



1 transcript of the hearing, constitutes the record in this  
2 matter.

3 FINDINGS OF FACT

4 1. The "Apprenticeship Standards of the Air Conditioning  
5 Trades Association Joint Apprenticeship & Training Committee"  
6 was approved by the California Apprenticeship Council effective  
7 August 6, 1993.

8 2. The Standards provide at Article III that the  
9 geographic coverage is for the counties of Merced, Stanislaus,  
10 Mariposa and Tuolumne. The Addendum to the Apprenticeship  
11 Standards also defines the "Area Covered by Standards and  
12 Approved Statistical Area" as the counties of Merced,  
13 Stanislaus, Mariposa and Tuolumne.

14 3. The Standards (at Addendum II-"Affirmative Action  
15 Plan") provides for ACTA UAP's affirmative action goals as to  
16 minority and women apprentices. The goals and statistical  
17 bases for the goals are premised on the Standard's recruitment  
18 geographical coverage in Merced, Stanislaus, Mariposa and  
19 Tuolumne counties.

20 4. The Standards (at Addendum III - "Selection  
21 Procedures") provide that the "Selection of Apprenticeship  
22 Applicants will be Method Number Four (4)." The written  
23 selection procedure provides for minimum qualifications,  
24 selection devices, ranking, a description of procedures  
25 applicable to qualified applicants, how prior experience will  
26 be treated and a review process.

27  
28

1        5.    The selection procedures under "Ranking" provide, in  
2 relevant part, that: "D. A ranked listed (sic) of eligible  
3 applicants will be established and maintained for two (2)  
4 years."

5        6.    The selection procedures under "Qualified Applicants"  
6 provide, in relevant part, that: "B. The JATC will refer  
7 qualified applicants to job openings by rank in descending  
8 order from the eligible list and will be sent to the employer  
9 for placement in the Apprenticeship Program."  
10

11       7.    The Standards provide that "related instruction will  
12 be supplied by the Modesto Junior College."

13       8.    Notwithstanding the provision in the written Approved  
14 Standards, ACTA UAP either utilized Local Educational Agencies  
15 (LEA) or had agreements with LEAs to provide related  
16 instruction not within the Modesto Junior College District.  
17 These LEAs included: Fresno County Office of Education/Fresno  
18 Unified School District; Martinez Unified School District/Adult  
19 Education; San Juan Unified School District; Santiago Canyon  
20 College (Orange County); and Sacramento City College,  
21

22       9.    ACTA UAP entered into an agreement with Martinez  
23 Unified School District for that institution to act as ACTA  
24 UAP's LEA. The agreement provided, in part, that ACTA UAP was  
25 to "secure necessary credentials for the instructors as  
26 required by the District (Martinez Unified School District) and  
27 by California law."  
28

1        10. ACTA UAP's instructors Dale Armstrong, Hal Scholl,  
2 Steve Torres and Baburaj Dharani were not certified by Modesto  
3 Junior College or by Martinez Unified School District to  
4 provide instruction. E. Dale Armstrong, however, did hold a  
5 Community College Instructor Life Credential, and Harold P.  
6 Scholl held a teaching credential issued by the Commission on  
7 Teacher Credentialing. ACTA UAP did have some attendance forms  
8 showing that certain apprentices attended classes at several  
9 locations within the Martinez Unified School District,  
10 including Hoover High School and at a private residence.

11        11. ACTA UAP submitted a petition in letter form dated  
12 May 12, 1994, to the Chief of DAS to "expand the Air  
13 Conditioning Trade Association Unilateral Training Committee's  
14 geographic area to include the forty-six (46) Northern  
15 California Counties. (Tulare-Kings County north to Oregon)."  
16 Chief of DAS has not yet approved that petition. There were  
17 other revised standards used by ACTA UAP which do not show the  
18 signature of DAS' chief approving the revisions. A revision of  
19 August 1, 1997 was sent to the Los Angeles Unified School  
20 District. This revision shows the purported signature of Len  
21 Viramontes, Senior Apprenticeship Consultant for DAS, but does  
22 not show the required signature of DAS' chief. Also, ACTA UAP  
23 produced a revision to its standards dated April 20, 1998.  
24 Similarly, this revision shows the purported signature of Len  
25 Viramontes, but not that of DAS' chief.  
26  
27  
28

1 There was no request to leave the record open for additional  
2 evidence. there was no agreement of the parties that additional  
3 new evidence could be received and there has been no showing  
4 that this proffered evidence was somehow unavailable to ACTA  
5 UAP prior to the close of the hearing.

6 ACTA UAP also references, but does not attach, the  
7 declaration of Henry S. Nunn allegedly submitted in another  
8 pending proceeding between these parties. (Respondent's Op.  
9 Br. at page 5.)<sup>3</sup>

10  
11 The parties were allowed to attach or reference the  
12 pending civil writ proceedings, no representation was made as  
13 to what weight, if any, would be given to those references. In  
14 this situation, however, Mr. Nunn's declaration is not  
15 admissible. Even though the hearing was not conducted  
16 "according to technical rules relating to evidence and  
17 witnesses" (section 202(b)(3)), it is unfair to allow testimony  
18 submitted by way of declaration after the record is closed and  
19 where the parties neither consented to that submission nor had  
20 the opportunity to examine the declarant.

21  
22 ///

23 ///

24  
25 <sup>3</sup> Petition for Preemptory Writ of Mandate, Air Conditioning  
26 Trades Association Unilateral Apprenticeship Committee v.  
27 Division of Apprenticeship Standards, Henry P. Nunn and  
28 Sheetmetal Workers International etc. et al, San Francisco  
Superior Court Case No. 318718. Although the Hearing Officer  
did receive courtesy copies of some of the pleadings in the writ  
proceeding, declarations were never submitted.

1 5. Are the Parties Entitled to Receive the Hearing Officer's  
2 Proposed Decision Prior to the Issuance of the Final  
3 Decision by the Director of the Department of Industrial  
4 Relations?<sup>4</sup>

5 At the conclusion of the hearing, ACTA UAP requested that  
6 the Hearing Officer's proposed decision be given to it. This  
7 oral request was followed by a letter of May 9, 2001.

8 Under section 202(c) and (d), the Administrator of  
9 Apprenticeship issues a decision on the complaint based on the  
10 entire record and after considering the Hearing Officer's  
11 written recommendations. There is no final decision until one  
12 is issued by the Administrator of Apprenticeship.

13 There is nothing in statute or regulation, nor has ACTA  
14 UAP offered any authority, that provides that a party is  
15 entitled to receive the Hearing Officer's recommendations or  
16 proposed decision. There is, however, authority to the  
17 contrary. In Bollinger v. San Diego Civil Service Commission  
18 (1999) 71 Cal.App.4th 57-577, 84 Cal.Rptr.2d 27, the court held  
19 that a party had no right to receive a Hearing Officer's  
20 proposed decision. In addition, citing to Dami v.  
21 Dept. of Alcoholic Bev. Control (1959) 176 Cal.App.2d 144, 154,  
22 1 Cal.Rptr. 213, the court also recognized that there was no  
23 constitutional principle implicated by not giving a party a  
24 proposed decision.

25  
26  
27 \* The regulations use the terminology of "Administrator of  
28 Apprenticeship." Under Labor Code section 3072 "The Director of  
Industrial Relations is ex officio the Administrator of  
Apprenticeship and is authorized to appoint such assistants as  
shall be necessary to effectuate the purpose of this chapter."

1           Consequently, neither the Respondent nor any party is  
2 entitled to receive the proposed decision.

3   6.   ACTA UAP's Assertion That the Complaints are Untimely.

4           Based on the testimony of Mr. Paul McDonald Harrison  
5 concerning his involvement with ACTA UAP training programs from  
6 1995 to 1998, ACTA UAP asserts that the complaints are untimely  
7 and should be dismissed. Section 201(a) provides for time  
8 limitations for the filing of complaints based on various  
9 violations. A complaint is issued "when there is cause to  
10 believe that a decision, order or action of an apprenticeship  
11 program sponsor has been unfair or unreasonable; or that there  
12 has been a violation of: ...[regulations and agreements]."

13           No evidence was proffered, however, as to when Charging  
14 Party had or should have had "cause to believe" that some  
15 violation had occurred. A witness's testimony that there were  
16 violations covering a broader period of time than that  
17 suspected by a complainant would not retroactively trigger the  
18 statute. It would still need to be shown, by competent  
19 evidence, that the complainant had "cause to believe" that a  
20 violation occurred and failed to take action within the  
21 applicable period. Since, ACTA UAP failed to proffer any  
22 evidence to show that Charging Party had "cause to believe"  
23 within either a 30- or 180-day period that a violation  
24 occurred, the argument is rejected.  
25  
26

27   ///

28   ///

1 B. ACTA UAP'S USE OF LEAS, INSTRUCTOR QUALIFICATION AND  
2 FREQUENCY AND LOCATION OF RELATED TRAINING.

3 The Approved Standards for ACTA UAP provide that "related  
4 instruction will be supplied by Modesto Junior College." ACTA  
5 UAP had, for some time beginning in 1994, attempted to change  
6 its Standards. For the most part, DAS approval has not been  
7 forthcoming. There are certain revisions to the Standards  
8 showing that some changes, not relevant here, were approved by  
9 DAS, but which also show that Modesto Junior College continued  
10 to be the only approved LEA listed.

11 There is ample evidence that ACTA UAP did use LEAs other  
12 than Modesto Junior College. ACTA UAP submitted numerous  
13 documents that it had entered into or was attempting to enter  
14 into agreements with educational agencies other than Modesto  
15 Junior College to provide for related instruction. These  
16 agreements may be a prerequisite to obtaining DAS approval of  
17 amended Standards, but DAS approval is still required. In this  
18 case, Modesto Junior College remains the only approved LEA and  
19 ACTA UAP's use of other LEAs even if furnished pursuant to  
20 agreement between ACTA UAP and those educational agencies, is a  
21 violation of ACTA UAP's Approved Standards.

22 Since ACTA UAP's use of Martinez Adult School violates its  
23 Standards, the use of alternate class locations, such as Hoover  
24 High School, is subsumed within the violation of its Standards  
25 whether Martinez Adult School approved of the practice or not.  
26 In other words, the use of alternate class locations will not  
27 be treated as separate and distinct violations.  
28

1 In addition, testimony established that instructor  
2 certification is a determination made by the individual LEA and  
3 not DAS. The agreement between ACTA UAP and Martinez Unified  
4 School District, for example, provides that the "[p]rogram  
5 sponsor shall secure necessary credentials for the instructors  
6 as required by the District [Martinez Unified School District]  
7 and by California law." Here, there was no evidence proffered  
8 to show what the District's requirements were and if ACTA UAP's  
9 instructors fulfilled those requirements. At best, ACTA UAP  
10 offered a letter from Tulare County Office of Education to the  
11 effect that E. Dale Armstrong held a Community College  
12 Instructor Life Credential and that Harold P. Scholl held a  
13 teaching credential issued by the Commission on Teacher  
14 Credentialing. ACTA UAP also offered documents reflecting  
15 student attendance at classes and names of instructors. None  
16 of these documents, however, show that Mr. Scholl and Mr.  
17 Armstrong or other instructors were certified by the school  
18 district.<sup>5</sup>

20 Apart from the issue of LEA certification of instructors,  
21 DAS also contends that the quality of instruction was  
22 deficient. Neither DAS nor the Charging Party met its burden  
23

24 ///

26  
27 <sup>5</sup> Testimony established that Mr. Baburaj Dharani also  
28 served as an instructor for ACTA UAP. Since documents relating  
to Mr. Dharani were not timely submitted, they are not  
considered.



1 concerning the quality of instruction provided by ACTA UAP's  
2 instructors. The testimony of witnesses Mark Joseph Oaxaca and  
3 Jaima Garcia Vuscanamte as to the quality or lack of quality of  
4 instruction is given no weight since the witnesses were not  
5 shown to be competent to testify as to instructor qualification  
6 requirements and whether the instructors met those  
7 qualifications. The witnesses' mere preferences or opinions as  
8 to teaching ability or ability to communicate are insufficient  
9 to show that the witnesses are competent to testify as to even  
10 minimum instructor qualifications.<sup>6</sup>

11 Charging Party also failed to produce sufficient evidence  
12 to meet its burden with respect to its allegation that ACTA UAP  
13 failed to provide related and supplemental instruction on a  
14 frequent and continuing basis and at locations proximate to the  
15 on-the-job training. There was testimony that related and  
16 supplemental shop instruction was provided at several  
17 locations. While not specifically delineated, that training  
18 occurred on some periodic or even regular basis. This  
19 testimony contradicts the substance of the allegations and,  
20 consequently, Charging Party's allegations in this regard  
21 cannot be sustained.  
22

23  
24 ///

25  
26  
27 <sup>6</sup> Documents submitted by DAS as part of its investigative  
28 summaries included the declaration of Charles Whitehead. Since  
Mr. Whitehead was not called as a witness, the declaration was  
not considered.

1 C. ACTA UAP'S COMPLIANCE WITH ITS PROCEDURES FOR SELECTION OF  
2 APPRENTICES.

3 Section 205(f) and 215, provide certain requirements that  
4 procedures for the selection of apprentices be included as a  
5 part of a program's standards. At a minimum, those procedures  
6 must be in writing, comply with Federal regulation and must be  
7 approved by DAS' chief. That is, the selection procedure must  
8 be spelled out in writing as part of a program's approved  
9 standards. 29 Code of Federal Regulations section 30.5(b)(1)-  
10 (4) spells out allowable selection procedures. Under  
11 subparagraph (4) "A sponsor may select apprentices by means of  
12 any other method [other than subsections (1) through (3) of  
13 that section including its present selection method..."

14 Accordingly, a plan may use a method of apprenticeship  
15 selection different than that provided in subsections (1)  
16 through (3) of 29 CFR 30.5(b), but that method must still be  
17 detailed in writing and be given DAS' approval.

18 ACTA UAP did spell out its selection procedure in writing  
19 and received DAS approval for that procedure. In summary, ACTA  
20 UAP's selection procedures provide for: minimum qualifications  
21 as to age, education, ability to perform physical labor and  
22 read, write and speak English; selection devices, that is,  
23 allocating point values to five categories derived from the  
24 applicant's oral interview; ranking, including notice provision  
25 and establishing a listing of eligible applicants that will be  
26 maintained for two years; a procedure for the referral of  
27 applicants to employers based on the applicant's rank on the  
28

1 eligibility list; provisions for granting credit based on prior  
2 experience; and a provision to review the selection procedure  
3 to determine if the selection procedures adversely affect  
4 individuals based on sex or ethnicity.

5 ACTA UAP's utilization of any other selection method not  
6 in writing and not approved by DAS would be a violation of  
7 regulation and its Approved Standards. Even though evidence  
8 established that ACTA UAP has attempted to amend or revise its  
9 selection procedures, there was no evidence proffered  
10 establishing that any revision of the original selection  
11 procedures was ever approved by DAS.

12 Here, Mr. Paul McDonald Harrison credibly testified that  
13 the procedures actually used for apprentice selection were  
14 based on referrals from employers. That is, participating  
15 employers would refer their current employees to be enrolled in  
16 ACTA UAP's apprenticeship training program. The referred  
17 employees would be orally interviewed. After the oral  
18 interviews and the submission of paperwork, about 99 percent of  
19 those referred would be enrolled as apprentices. An  
20 eligibility list was not maintained or used. Since the  
21 individual apprentices were already employed, the  
22 apprenticeship program did not refer apprentices to jobs or  
23 maintain a referral list of eligible apprentices. The  
24 testimony of Jaima Garcia Vuscanamte, based on his personal  
25 experience, confirmed that this selection process was also used  
26  
27  
28

1 to select him into the ACTA UAP apprenticeship program in the  
2 Los Angeles area.

3 ACTA UAP did not proffer any evidence to rebut this  
4 testimony or to show that this method of selecting apprentices  
5 was an aberration.

6 Based on the submitted evidence, therefore, ACTA UAP  
7 violated its Approved Standards by not following the procedures  
8 established for the selection of apprentices. Referral lists  
9 were not maintained, and apprentices were not referred to jobs.  
10 Rather, apprentices were selected and obtained from an existing  
11 employee work force based on employer referrals. Apprentice  
12 referrals and the maintenance of eligibility lists were thus  
13 not needed or used.

15 ACTA UAP agreed to conform to a particular selection  
16 process that was memorialized in writing in its Approved  
17 Standards. Violation of the approved selection process is not  
18 excused or minimized simply because the process actually used  
19 might have been appropriate or approved by DAS under a  
20 different factual scenario.

21 ACTA UAP argued that, at least two selection processes  
22 pre-existed DAS approval of its Standards and could be used  
23 without first obtaining DAS approval. One process is known as  
24 a "hunting license" by which apprentices find their own  
25 employer to work for as opposed to being referred to that  
26 employer by an apprenticeship program. Another selection  
27 process, known as "grandfathering," enables an apprentice to  
28

1 work for his or her existing employer rather than be referred  
2 to a different employer. ACTA UAP, however, failed to produce  
3 any evidence that any other selection process obtained DAS  
4 approval and was included in writing as part of its Standards.<sup>7</sup>

5 D. ACTA UAP'S RECRUITING OF APPRENTICES OUTSIDE OF THE  
6 GEOGRAPHICAL AREA IMPOSED BY ITS STANDARDS.<sup>8</sup>

7 ACTA UAP's Approved Standards state that the geographic  
8 coverage is for counties of Merced, Stanislaus, Mariposa and  
9 Tuolumne. This same geographic area also forms the statistical  
10 basis for affirmative action purposes.

11 It is undisputed that ACTA UAP enrolled new apprentices  
12 who resided in areas outside of the four-county limitations  
13 contained in the Approved Standards. In addition, ACTA UAP  
14 advertised outside of the four-county areas and had outside of  
15 area training committees. Many of the apprenticeship  
16 agreements (DAS Form 1), some dating back to 1994, show that  
17 the apprentices' residences were outside of the four-county  
18 area, and the agreement to train apprentices (DAS Form 7) were  
19 signed by employers outside of the four-county limitation.<sup>9</sup>

21  
22 <sup>7</sup> ACTA UAP argues that some sort of underground regulation  
23 was being fostered by DAS with respect to "grandfathering." This  
24 is based on a misreading of Ms. Acosta's testimony. Based on  
25 the question asked, Ms. Acosta was speculating on what types of  
26 selection processes might be approved by DAS.

27 <sup>8</sup> Since not defined by regulation or statute, the  
28 definition of "recruitment" is that found at Webster's Third New  
International Dictionary, Unabridged (1967) at p. 1899.

29 <sup>9</sup> Interestingly, many of the DAS Form 7's submitted by ACTA  
30 UAP show an expanded geographic coverage under "Area covered by  
31 Apprenticeship Standards" by listing "California," "All of  
32 California," or by adding counties in addition to the four  
33 counties actually listed in the Approved Standards. There was  
34 no evidence submitted that DAS specifically approved of any

1 ACTA UAP asserts that its use of certain selection  
2 procedures justifies the enrollment of out-of-area apprentices.  
3 There is nothing cited by ACTA UAP in regulation or in its  
4 Approved Standards that modifies geographic area by reference  
5 to selection methodology. Thus, the geographic coverage is not  
6 expanded by reference to any particular selection method or by  
7 where an enrolled apprentice is sent to work.<sup>10</sup>

8 Also, ACTA UAP claims that its efforts to sign up new  
9 employers to participate in the apprenticeship training  
10 programs was not an active recruitment of apprentices outside  
11 of the approved geographic area. This correct assertion,  
12 however, does not address the issue.

13 The problem is that ACTA UAP's procedure of having  
14 employers refer employees to participate in apprenticeship  
15 training as a part of the apprentice selection process, in this  
16 case, effectively operates as form of out-of-area recruitment.  
17 The result of this selection method, as seen in the DAS Form  
18 1's and 7's, is that since an employer is out-of-area, the  
19 referred employee will usually also reside out-of-area. It  
20 does not matter whether this is termed active or passive  
21

22  
23 geographic expansion or that approval could be obtained by  
24 simply listing greater geographic coverage on a Form 7.

25 <sup>10</sup> ACTA UAP misinterprets Lucille Acosta's, DAS' Area  
26 Administrator for Field Offices, testimony in this regard. Ms.  
27 Acosta testified that an apprentice can work or be trained by  
28 correspondence courses anywhere in the State. Ms. Acosta did  
not testify that working after an apprentice was already  
enrolled in a training program was the same as recruiting  
apprentices outside of the geographic area by the apprenticeship  
committees or training programs.

1 recruitment since the process results in a violation of the  
2 Approved Standards through the enrollment of apprentices who  
3 reside outside the geographic areas as defined in the Approved  
4 Standards.

5 Accordingly, ACTA UAP violated its Approved Standards by  
6 recruiting and accepting enrollment of apprentices who resided  
7 outside of the four-county area set out in the Approved  
8 Standards.

9  
10 ACTA UAP argues, however, that compliance with its  
11 Approved Standards should be waived or violation of its  
12 Approved Standards excused.

13 1. Constitutional Issues Raised by ACTA UAP.

14 ACTA UAP argues that the geographic coverage in the  
15 Approved Standards operate as an infringement on the  
16 constitutionally protected right to travel. ACTA UAP also  
17 argues that the geographic coverage in the Approved Standards  
18 that form the statistical basis for compliance with the  
19 affirmative action plan is also unconstitutional under City of  
20 Richmond v. J.A Crossen, 488 U.S. 469 (1989). In Southern  
21 California Labor Management Operating Engineers Contract  
22 Compliance Committee v. Lloyd W. Aubry, Jr. (1997) 54  
23 Cal.App.4th 873,887, 63 Cal.Rptr.2d 106, the Court held that  
24 "California Constitution, article III, section 3.5 provides  
25 that an administrative agency has no power to refuse to enforce  
26 a statute on the grounds it is unconstitutional or conflicts  
27 with federal law, until an appellate court has so held.  
28

1 (Citation omitted.)" Accordingly, ACTA UAP's arguments in this  
2 regard will not be addressed.

3 2. ACTA UAP's Contention That DAS' Conduct Should Equitably  
4 Estop DAS From Enforcing ACTA UAP's Approved Standards.

5 The evidence presented does not justify, under the  
6 doctrine of equitable estoppel, excusing ACTA UAP's compliance  
7 with its own Approved Standards or the necessity of obtaining  
8 DAS' approval to revise its Standards in terms of geographic  
9 recruiting areas.

10 Equitable estoppel is rarely invoked against a  
11 governmental agency (La Societe Francaise v. Cal. Emp. Com.  
12 (1943) 56 Cal.App. 2d 534, 555), and will not be invoked if the  
13 result will be to frustrate a strong public policy. In Re  
14 Monigold (1988) 205 Cal.App. 3d 1224, 253 Cal.Rptr. 120, 122.  
15 The court in Manigold, held that the elements of estoppel must  
16 also be present. These elements, in addition to government  
17 action, are: the governmental agency must be apprised of the  
18 true facts; the governmental agency must have intended the  
19 party to rely upon its conduct; the party must be ignorant of  
20 the true facts; and the party must rely on the agency's conduct  
21 to its detriment. Id.

23 Here, the evidence is simply insufficient to support the  
24 application of equitable estoppel against DAS. There was no  
25 testimony or evidence that DAS gave some affirmative  
26 representation to ACTA UAP or even that ACTA UAP believed that  
27 DAS approval of its proposed revisions had occurred, was no  
28 longer necessary or that ACTA UAP no longer needed to abide by



1 its Approved Standards. There was no testimony or evidence  
2 that ACTA UAP placed any reliance on or altered its conduct in  
3 reliance on DAS' processing of apprenticeship agreements (DAS  
4 Form 1's) or any of DAS' internal memoranda.

5 Also, there was no evidence submitted that any of the  
6 internal memoranda circulating within DAS concerning approving  
7 apprenticeship agreements were ever actually communicated to  
8 ACTA UAP.<sup>11</sup> In this regard, ACTA UAP suggests that Mr.  
9 Viramontes would have supported ACTA UAP's position had he been  
10 called to testify. Neither DAS nor the Charging Party was  
11 compelled to call Mr. Viramontes as a witness and no negative  
12 inferences will be drawn from their decision not to do so.

13 ACTA UAP's citation to Sawyer v. City of San Diego (1956)  
14 138 Cal.App. 2d 652 and La Societe Francaise v. Cal.Emp.Com.,  
15 supra, does not change this analysis since the cases are  
16 distinguishable. In La Societe, the governmental taxing  
17 authority actually issued an official ruling as to the  
18 employers obligation regarding tax withholds that the employer  
19 relied upon. In Sawyer, there was a long history (36 years) of  
20 the City's acquiescence in water usage coupled with the City's  
21 agreement to supply water. Here, there is no specific act,  
22  
23

24 <sup>11</sup> Even had the internal memoranda been given to ACTA UAP,  
25 those memoranda cannot be read as suggesting that the Approved  
26 Standards no longer controlled, or that DAS's approval of the  
27 apprentice agreements excused compliance. This is true as to  
28 Mr. Viramontes' September 18, 2000, "To Whom It May Concern"  
letter as well (Resp. 22). Mr. Viramontes does not say that  
ACTA UAP is excused from complying with its Approved Standards  
and, in fact, seemingly references those Standards by citing to  
DAS's file number for ACTA UAP.

1 agreement, or long continuing conduct on DAS' part that would  
2 lead ACTA UAP to reasonably believe that it could ignore its  
3 Approved Standards with respect to geographic coverage.

4 **E. ALLEGATIONS REGARDING RECORDKEEPING AND FAILURE TO PAY**  
5 **WAGES AND CONTRIBUTIONS.**

6 There was insufficient evidence submitted to support  
7 Charging Party's allegations that apprentices were not paid the  
8 appropriate wages in accordance with the Standards and  
9 apprenticeship agreements. Other than addressing an isolated  
10 instance, testimony did not establish any pattern of conduct  
11 relating to wage payments nor were any documents produced to  
12 establish what amounts were paid in comparison to that which  
13 was allegedly owed for a given period.

14 There was no evidence submitted as to contributions to  
15 training funds. Consequently, all allegations relating to  
16 failure to pay to the correct entity or to pay appropriate  
17 amounts were not proven and must be dismissed.<sup>12</sup>

18  
19 **F. NOTIFICATION TO THE CHARGING PARTY REGARDING ACTA UAP'S**  
20 **PROPOSED REVISIONS.**

21 The parties did not address this issue in their briefs  
22 even though raised in Charging Party's second complaint (99-13,  
23 First Claim) and addressed by DAS in its investigative  
24 findings. (DAS Folder 99-13.) In any event, there is  
25  
26

27 <sup>12</sup> In light of the dismissal it is not necessary to address  
28 ACTA UAP's argument that the Charging Party raised an issue of a  
violation of fiduciary duty under ERISA, which is preempted by  
federal law.

1 insufficient evidence presented to make a finding as to this  
2 allegation. Section 212(f) provides that the proposed  
3 standards shall be served "on the sponsor of each existing  
4 program in the apprenticeable occupation in the labor market  
5 area of the program, as defined by section 215...." The  
6 evidence submitted suggests that ACTA UAP's proposed standards  
7 were incomplete and returned without action. Without more, it  
8 cannot be determined what status, if any, was accorded ACTA  
9 UAP's proposed revised standards, or even if the proposal was  
10 complete within the requirements of section 212. Consequently,  
11 Charging Party did not meet its burden with respect to this  
12 claim.<sup>13</sup>

13  
14 G. REMEDIES.

15 Charging Party suggests that deregistration is the  
16 appropriate remedy for the violations alleged. Deregistration  
17 is within the province of the Chief of DAS under the procedures  
18 set forth in section 212.4. Section 212.4(b)(1) provides, in  
19 part, that the program sponsor be notified of a violation and  
20 the action needed to correct the violation "in writing sent by  
21 registered or certified mail, with return receipt requested."  
22 A second notice is required under Section 212.4(b)(3) in the  
23 event the program sponsor fails to correct the identified  
24 violations. While the first notice was sent to ACTA UAP in  
25 January 1997, there was no evidence submitted that DAS complied  
26

27 <sup>13</sup> DAS' conclusion, however, that service is not required  
28 until DAS approves the requested geographic expansion appears to  
run contrary to the actual requirements of Section 212(f).

1 with the second notice provision set out under section  
2 212.4(b)(3), or that other notices in compliance with  
3 regulation were subsequently sent to ACTA UAP. Consequently,  
4 deregistration cannot be ordered.

5 This decision, however, together with the entire record  
6 will be made available to the Chief of DAS for purposes of  
7 determining if deregistration is appropriate given the findings  
8 set forth herein that ACTA UAP failed to abide by the terms of  
9 its Approved Standards.

10 In summary, ACTA UAP violated its procedures for the  
11 selection of apprentices, recruited apprentices outside of the  
12 geographic limitations set forth in the Approved Standards and  
13 used LEAs that were not approved by DAS or set forth in its  
14 Approved Standards.

15 Pending a determination of deregistration under section  
16 212.4, it is appropriate to require ACTA UAP to prospectively  
17 cease and desist from doing or engaging in the following:  
18

- 19 1. Using apprentice selection methods other than the method  
20 specified in its Approved Standards;
- 21 2. Recruiting apprentices or utilizing selection methods that  
22 result in the recruitment or enrollment of apprentices  
23 outside of Merced, Stanislaus, Mariposa and Tuolumne  
24 counties; and,
- 25 3. Using LEAs that are not set forth in the Approved  
26 Standards.

27  
28

ORDER

1  
2 In light of the findings of facts and for the reasons  
3 described above, ACTA UAP is hereby ordered to:

4 1. Comply, in all respects, with its Standards as  
5 approved effective August 6, 1993 by the California  
6 Apprenticeship Council;

7 2. Cease and desist from using any apprentice selection  
8 methods not expressly approved and set forth in its Approved  
9 Standards;

10 3. Cease and desist from recruiting or utilizing  
11 selection methods that result in the recruitment or enrollment  
12 of apprentices who reside outside of Merced, Stanislaus,  
13 Mariposa and Tuolumne counties; and,

14 4. Cease and desist from using LEAS other than as set  
15 forth in its Approved Standards.  
16  
17  
18

19 DATED: July 19, 2001

  
Stephen J. Smith, Director

PROOF OF SERVICE

(Code Civ. Proc. §§ 1013a, 2015.5)

Case Name: **SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION  
LOCAL UNION NOS. 104, 108 AND 162 v. AIR  
CONDITIONING TRADES ASSOCIATION UNILATERAL  
APPRENTICESHIP COMMITTEE**

DAS Case Nos. 97-S-11 and 99-13

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within action; my business address is 455 Golden Gate Avenue, Suite 9516, San Francisco, California 94102.

On July 23, 2001, I served the DECISION on the parties listed below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below for service as designated below:

(A) By First Class Mail: I am readily familiar with the practice of the Department of Industrial Relations, Office of the Director Legal Unit, for the collection and processing of correspondence for mailing with the United States Postal Service. I caused each such envelope, with first-class postage thereon fully prepared, to be deposited in a recognized place of deposit of the U.S. Mail in Sacramento, California, for collection and mailing to the office of the addressee on the date shown herein.

(B) By Personal Service: I caused each such envelope to be personally delivered to the office of the addressee by a member of the staff of the Department of Industrial Relations, Office of the Director Legal Unit, on the date last written below.

(C) By Messenger Service: I am readily familiar with the practice of the Department of Industrial Relations, Office of the Director Legal Unit for messenger delivery, and I caused each such envelope to be delivered to a courier employed by Golden State Overnight, with whom we have a direct billing account, who personally delivered each such envelope to the office of the address at the place and on the date last written below.

(D) By Facsimile Transmission: I caused such document to be served via facsimile electronic equipment transmission (fax) on the parties in this action, pursuant to oral and/or written agreement between such parties regarding service by facsimile by transmitting a true copy to the following fax numbers:

<u>TYPE OF SERVICE</u>	<u>ADDRESSEE &amp; FAX NUMBER (IF APPLICABLE)</u>	<u>PARTY REPRESENTED</u>
A	Mark S. Renner, Esq. Wylie, McBride, Jesinger, Sure & Platten 2125 Canoas Garden Ave. Ste. 120 San Jose, CA 95125	SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION LOCAL UNION NOS. 104, 108 AND 162
A	Mark R. Thierman, Esq. Alice K. Conway, Esq. Thierman Law Firm 120 Green Street San Francisco, CA 94111	AIR CONDITIONING TRADES ASSOCIATION UNILATERAL APPRENTICESHIP COMMITTEE
B	Fred Lonsdale, Esq. Office of the Director P.O. Box 420603 San Francisco, CA 94142	DIVISION OF APPRENTICESHIP STANDARDS
A	California Apprenticeship Council 455 Golden Gate Avenue, 8th Floor San Francisco, CA 94102	SELF

Executed on July 23, 2001, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
JULIE M. Z'BERG

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF APPRENTICESHIP STANDARDS  
455 GOLDEN GATE AVENUE, 8<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94102  
(415) 703-4920

GRAY DAVIS, Governor



ADDRESS REPLY TO:  
P.O. Box 420603  
San Francisco, CA 94142

**NOTICE OF VIOLATION**

March 26, 2002

Daniel J. Pitcher, President  
Regency Mechanical, Inc.  
5860 Rosebud Lane, Suite C  
Sacramento, CA 95841

RE: 2421 W. Lowell Avenue, Tracy (San Joaquin County) - DAS Complaint #2001-0538  
Respondent: Regency Mechanical, Inc.

Dear Mr. Pitcher:

The Division of Apprenticeship Standards (DAS) has reviewed the complaint filed against Regency Mechanical, Inc. for alleged violations of Labor Code Section 1777.5.

The complaint alleged that you failed to provide notice of contract award information to the applicable Apprenticeship Committee, failed to employ registered apprentices and comply with the required apprentice to journeyman ratio and failed to make the required training contributions to an approved program or to the California Apprenticeship Council (CAC).

We received your letter dated December 14, 2001 along with the accompanying documentation in response to the Notice of Complaint DAS had issued to your company on December 4, 2001.

In your letter, you maintained that you complied with the public works requirements under California Labor Code Section 1777.5 by submitting a completed DAS 140, requesting dispatch of registered apprentices and making the training fund contributions to the Air Conditioning Trade Association Unilateral Apprenticeship Committee (ACTA). You also provided us with a copy of your agreement with ACTA to train their apprentices. Please understand that ACTA was not approved by the Chief of the DAS to operate and recruit apprentices in San Joaquin County, the location of the above described public works project. Hence, ACTA was not the applicable apprenticeship program that can supply your company with registered sheet metal apprentices.

Based on all the information and evidence received, and based on all the surrounding facts and circumstances, it is my determination, that you have violated Labor Code Section 1777.5 by your failure to provide the applicable apprenticeship committee with notice of contract award,



your failure to employ registered apprentices and comply with the required apprentice to journeyman ratio and your failure to make the required training contributions to the applicable approved apprenticeship program or to the California Apprenticeship Council (CAC).

Future violations of Labor Code Section 1777.5 may result in civil penalties. You may also be denied the right to bid on or receive public works contracts for a period of up to three (3) years.

To assist you in complying with the requirements on future public works projects, enclosed are a copy of the Excerpts from the California Labor Code relating to Apprentices on Public Works and a copy of the Summary of Requirements, Apprentices on Public Works.

By copy of this letter, the Air Conditioning Trade Association UAC (ACTA) is hereby ordered to turn over all the training fund contributions it received from respondent relative to the above referenced public works project to the Sheet Metal Advisory and Joint Apprenticeship Committee of San Joaquin County, the applicable approved apprenticeship program, or to the California Apprenticeship Council (CAC).

If you have any questions, please contact Victor D. Aguirre, Apprenticeship Consultant, at 415-703-4934.

Sincerely,



HENRY P. NUNN III  
Chief

Enclosures

Cc: Northern San Joaquin Area Sheet Metal JATC  
McDonald Glenn Company  
Tracy Unified School District, Attn.: Sherry Gongawari, Facilities Development  
Director  
Air Conditioning Trade Association UAC (ACTA)  
File



Independent Electrical  
Contractors, Inc.

Western Electrical  
Contractors Association, Inc.  
Sacramento Chapter of IEC  
Apprenticeship and Training Committee

## Memorandum

Date: June 29, 2001  
To: Henry Nunn, Chief of DAS  
From: George Moton, WECA ATC Apprenticeship Director  
RE: Outstanding DAS 24's for File # 19602 and File # 10628

Dear Henry:

As per previous conversations, this memorandum is to inform you of the outstanding DAS 24's or Supplements that WECA ATC has not had action upon. The following is a list for each program:

File # 19602

Date Signed by WECA ATC  
January 28, 2000

DAS 24 applies to

Private wage rates effective October 15, 1998 for  
State of California

March 7, 2001

Work Processes

March 22, 2001

Supplement of Voice and Data Communications,  
Installer and Repair Technician

Memorandum  
 June 29, 2001  
 Henry Nunn, Chief of DAS  
 Outstanding DAS 24's for File # 19602 and File # 10628  
 Page 2 of 2

File # 10628

Date Signed by WECA ATC

DAS 24 applies to

August 28, 2000

Revision of Area to be in San Joaquin, Stanislaus, Calaveras and Tuolumne

November 22, 2000

Revision of Area to be in all counties in California except Fresno, Kings, Madera, San Luis Obispo, Santa Clara and Tulare and to change the selection procedure for the change in algebra testing

December 4, 2000

Revision of Area to be in San Joaquin, Stanislaus, Calaveras and Tuolumne

March 22, 2001

Supplement of Voice and Data Communications, Installer and Repair Technician

March 22, 2001

Work Processes

These are the DAS 24's or Supplements that we show outstanding. I would very much appreciate you investigating the status of these documents and contact me if at all possible by June 12, 2001.

I look forward to hearing from you concerning this matter.



George Moton  
 WECA ATC Apprenticeship Director

cc: Don Simonich, DAS Consultant